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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-711

12 **GODFREY ONEAL WEBSTER**
13 **25116 Cypress Street**
14 **Lomita, CA 90717**

ACCUSATION

15 **Registered Nurse License No. 686433**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 14, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 686433 to Godfrey Oneal Webster ("Respondent"). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on June 30, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:..."

8. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board,

1 except that during such eight-year period no examination shall be
2 required as a condition for the reinstatement of any such expired
3 license which has lapsed solely by reason of nonpayment of the
4 renewal fee. After the expiration of such eight-year period the board
5 may require as a condition of reinstatement that the applicant pass
6 such examination as it deems necessary to determine his present
7 fitness to resume the practice of professional nursing."

8 REGULATORY PROVISIONS

9 9. California Code of Regulations, title 16, section, 1419.3 provides:

10 "In the event a licensee does not renew his/her license as provided
11 in Section 2811 of the code, the license expires. A licensee
12 renewing pursuant to this section shall furnish a full set of
13 fingerprints as required by and set out in section 1419(b) as a
14 condition of renewal.

15 (a) A licensee may renew a license that has not been expired for
16 more than eight years by paying the renewal and penalty fees as
17 specified in Section 1417 and providing evidence of 30 hours of
18 continuing education taken within the prior two-year period.

19 (b) A licensee may renew a license that has been expired for more
20 than eight years by paying the renewal and penalty fees specified in
21 Section 1417 and providing evidence that he or she holds a current
22 valid active and clear registered nurse license in another state, a
23 United States territory, or Canada, or by passing the Board's current
24 examination for licensure."

25 COST RECOVERY

26 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 FIRST CAUSE FOR DISCIPLINE

30 (Unprofessional Conduct)

31 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
32 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
33 particularly described as follows:

34 12. On or about May 9, 2010, at approximately 2:30 a.m., while working as a

1 registered nurse at Torrance Memorial Medical Center, Respondent intentionally held down the
2 legs of a blind patient while he punched the patient with his other hand. At the time of the
3 incident, the patient had been restrained in his bed.

4 13. Respondent was arrested by the Torrance Police Department and a criminal
5 complaint was filed wherein Respondent was charged with elder/dependent care abuse (Penal
6 Code sections 368(a), (b) and 242).

7 14. On January 9, 2012, Respondent pled nolo contendere to a violation of Penal Code
8 section 242. The sentencing was delayed as long as Respondent paid court costs and fees,
9 completed 26 sessions of anger management and stayed away from Torrance Memorial Hospital.

10 15. On September 5, 2012, Respondent presented a letter of completion for the anger
11 management domestic violence program and the criminal case was dismissed in furtherance of
12 justice pursuant to Penal Code section 1385.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 686433, issued to
17 Godfrey Oneal Webster;

18 2. Ordering Godfrey Oneal Webster to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3; and

21 3. Taking such other and further action as deemed necessary and proper.
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23 DATED: MARCH 4, 2013

24 *for* Stacie Ben
25 LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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